

**FILED - GR**

May 16, 2024 1:10 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB 5/16UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGANFrank Gregory-Lee Blue Jr 790533

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Sheriff Bailey, Lieutenant Burks, doctor Fataki,  
Nurse Dave, Nurse Karen, Lieutenant Hyun  
Deputy Tober, Deputy Miller, Deputy Lange,  
Deputy Bowman

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

**COMPLAINT**

(Print Clearly)

**I. Previous Lawsuits**

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
N/A
  2. Is the action still pending? Yes ☐ No ☐
    - a. If your answer was no, state precisely how the action was resolved: N/A
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐
    - a. If not pending, what was the decision on appeal? N/A
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐
    - a. If so, explain: N/A

## II. Parties

## A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Frank Gregory-Lee Blue Jr

Place of Present Confinement Berrien County Jail

Address 919 Port Street St. Joseph, MI 49085

Place of Confinement During Events Described in Complaint Berrien County Jail

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Bailey

Position or Title Sheriff

Place of Employment Berrien County Jail

Address 919 Port Street St. Joseph, MI 49085

Official and/or personal capacity? official and personal

Name of Defendant #2 Burks

Position or Title Lieutenant

Place of Employment Berrien County Jail

Address 919 Port Street St. Joseph, MI 49085

Official and/or personal capacity? official and personal

Name of Defendant #3 Hyun

Position or Title Lieutenant

Place of Employment Berrien County Jail

Address 919 Port Street St. Joseph MI 49085

Official and/or personal capacity? Official and personal

Name of Defendant #4 Fataki

Position or Title doctor

Place of Employment Berrien County Jail

Address 919 Port street St. Joseph, MI 49085

Official and/or personal capacity? official and personal

Name of Defendant #5 Dave

Position or Title Nurse

Place of Employment Berrien County Jail

Address 919 Port Street St. Joseph, MI 49085

Official and/or personal capacity? official and personal.



*See Attached  
Defendants*

NAME: \_\_\_\_\_

TO: \_\_\_\_\_

LOCATION: B \_\_\_\_\_ C \_\_\_\_\_ (or) Dorm \_\_\_\_\_

919 Port Street, St. Joseph, Michigan 49085

JAIL INFORMATION: (269) 982-8670

DATE: \_\_\_\_\_

Miller

Tober

Deputy

Deputy

Berrien County Jail

Berrien County Jail

919 Port Street St. Joseph, MI 49085

919 Port Street St. Joseph, MI 49085

Official and Personal

Official and personal

Karen

Lange

Nurse

Deputy

Berrien County Jail

Berrien County Jail

919 Port Street St. Joseph, MI 49085

919 Port Street St. Joseph MI 49085

Official and personal

Official and personal

Bowman

Deputy

Berrien County Jail

919 Port Street St. Joseph, MI 49085

Official and personal

To Whom it may concern: There is about two or three more names that need to be added to this list that were involved, but without the documents I have at home with all the specific names, dates, and times on it makes it hard for me to list the names I don't remember by heart. I can provide that information once I am released along with more details.

Signed: \_\_\_\_\_



### III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

Sheriff Bailey and Lieutenant Burks ignored my complaints, I wrote as grievances to them, regarding the way I was being treated and allowed all listed as defendants to treat me in ways that are cruel and in humane for months. In August I believe is the Month I was able to send a letter to A.C.L.U. regarding these complaints too and at home I have a written copy of that. However in September on or around September 24, 2021 I was woke up and given the wheel chair back out of nowhere.

Doctor Fotoki took the wheelchair from me because of what inmates told him saying I was walking and running in the gym which was false. Then said he gave me leg braces to walk with which was also false along with him saying I bonded out of jail. He did not care about violating my rights at all and he was very unprofessional.

Nurse Dave and Nurse Karen would do medication rounds and if I had the wheelchair they both would radio a guard to come take the wheelchair back from me so I would have to crawl or scoot again. There were guards that did not condone in the violence against me so when they worked they would come and bring the wheelchair to me.

Lieutenant Hyun and Deputy Miller were the first to take the wheelchair from me early in the morning together and they were aggressive when doing so.

Deputy Tober made me crawl to and from public defender visits with Donald Teichman which he didn't care neither because when I asked him to say something too them about it he didn't neither time I had visits.

Deputy Lange made me crawl to and from medical visits and psych visits and Deputy Bowman. Although there is other people, I can only provide that information once I am released because at home I have specific names, dates, times etc, following proof to a lot of other things that took place regarding the inhumane treatment if given the opportunity to do so.



NAME: \_\_\_\_\_

TO: \_\_\_\_\_

LOCATION: B \_\_\_\_\_ C \_\_\_\_\_ (or) Dorm \_\_\_\_\_

919 Port Street, St. Joseph, Michigan 49085

JAIL INFORMATION: (269) 982-8670

See Attached  
Pg. 4  
Statement of Claim

DATE: \_\_\_\_\_

My name is Frank Blue Jr and I have been seeking help for justice to be served on this matter since it occurred but I have not had any success finding representation for my Eighth Amendment rights being violated in many ways that I am still suffering from mentally and physically today and it's not right for them to be able to treat any human this way and get away with it as if it's okay when it's not. At home I have specific dates, times, and names documented to show how I was being treated along with witnesses names that really helped me out a lot. On February 7, 2021 I was arrested with frostbite to my hands and feet to the point I could not walk so when taken to the Berrien County Jail I was then taken to Lakeland Spectrum Health Hospital in St. Joseph MI for the frostbite. After going through the burn treatment I had follow up appointments with the Doctor and although I didn't have any amputations he told me the moment I get released I need to be seen by a neurologist because of being born with Spinal Bifida I will have extra pains that will most likely not go away and many other problems but since I was not able to post bond as expected I had no choice but to rely on the jail medical staff. So I wrote medical requesting to be seen by a neurologist and to receive a MRI and EMG because of the pains within my feet/toes, legs and back were not normal but I was refused and ignored all requests and complaints for help by the jail doctor Fatoki purposely as I suffered in pain daily. Then knowing I could not walk he took the wheelchair from me so I had to scoot and crawl on the floor in order to get around in jail to public defender visits (Donald Teichman), medical visits, psych visits (because of this), shakedowns, to shower 25ft or further from 1p gym where I was located etc for almost three months. Even after all the grievances I wrote Sheriff Bailey and Lt. Burks nothing changed at all. So from around July 8, 2021 to about September 24, 2021 I was treated this way until they decided to give me the wheelchair back on or around September

Signed: \_\_\_\_\_



24, 2021 which was about two weeks before I was sent to prison for a resisting arrest on October 12, 2021. Once in prison I was scheduled for EMG testing and finally given the EMG on March 30, 2022 at Henry Ford Hospital and the results came back that I had nerve damage and was diagnosed with polyneuropathy but then was denied MRI from the prison doctor at Saginaw even though I was told I would have one pending my EMG results but did not. So when I got out September 8, 2022 I eventually had a MRI that determined I have abnormal curve in my spine etc so currently I'm waiting for further evaluations. With the information I have provided I am praying I can get help with the way I was treated because its in the medical records plus they deserve to be held accountable for their actions of deliberate indifference and more. Please respond at your earliest convenience. Thank you in advance as this is true to the best of my knowledge.

(my medical records has alot more information thats beneficial that I didnt get to mention)

Frank Blue Jr

Frank Blue Jr



NAME: \_\_\_\_\_ TO: \_\_\_\_\_

LOCATION: B \_\_\_\_\_ C \_\_\_\_\_ (or) Dorm See Attached

919 Port Street, St. Joseph, Michigan 49085

Pg. 4  
Statement of Claim

JAIL INFORMATION: (269) 982-8670

DATE: \_\_\_\_\_

I am writing this because the way berrien county jail violated my constitutional rights in 2021 was inhumane and its showing right now with the actions their taking against me by not allowing me in the gym (lp), isolating me and now approving my requests to be seen by a neurologist, but in 2021 I was not isolated, was in the gym (lp) around fifteen or more inmates and I was denied my right to have MRI testing and treatment from a neurologist. However, now in 2024 the berrien county jail is claiming that its a medical/safety issue for anyone in wheel chairs, on walkers or crutches to be anywhere other than in medical especially in the gym but if thats the case why and how is this a medical/safety issue in 2023-24 all of a sudden but wasnt in 2021? That alone shows alot because what laws or rights have changed from then to now? Truthfully what it is, this jail knows what they did to me in 2021 was inhumane and now that they see I am still in a bad condition as before from the same medical problems (because they have updated medical reports) their trying to handle the situation differently in attempt to cover up how they violated my constitutional rights medically etc in 2021 purposely and thats what this is about. Then what makes everything much worser the doctor named Fatoki admittedly wrote several unprofessional and false descriptions of events in my medical paperwork saying he prescribed me with leg braces also said that inmates told him that I was walking and running around the gym when none of that was true about me. So knowing I'm under 24/7 surveillance, instead of reviewing the footage, no one did that and just took the wheelchair from me illegally forcing me to suffer harsh and inhumane treatment for months before giving the wheelchair back because they knew in all ways that those were false statements against me and it was illegal to take the wheelchair from me to begin with. So honestly I do not understand why I cannot get any legal help to obtain

Signed: \_\_\_\_\_



the video footage to prove I am telling the truth about how my constitutional/medical rights were violated by cruel and unusual punishment, deliberate indifference and also pain and suffering I endured. Then what hurts just as much is that video footage is easy to access to use against a person to convict them of a crime, so why is it so hard to access and use video footage when it's in my favor to prove a jail and or any institution committed a crime against me? When video surveillance does not give false information? How do I get help when it comes to justice being served on my behalf is what I'm trying to figure out? Please respond at your earliest convenience. Thank you in advance as this is true to the best of my knowledge.

Frank Blue Jr.

Frank Blue Jr.



IV. Relief

State briefly and precisely what you want the court to do for you.

I want monetary damages and injunction relief for the pain and suffering, deliberate indifference and cruel and unusual punishment I had to put up with. I also want this to be taken as a class A action lawsuit for all other humans being mistreated inside berrien county jail and for their medical licenses to be restricted and the guards to not be able to work in jails any more to prevent others from being violated their rights like I was done.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

5-13-24

Date

Frank Blue Jr

Signature of Plaintiff

**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.





S. District Court  
9 Federal Building  
Michigan St, NW  
Grand Rapids, MI 49503



Name Frank Blue Jr.  
location ITOO

919 Port Street  
St. Joseph, MI 49085

To: u.  
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